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9/11/02

PATENT APPLICATION

12/29/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

KODAS et al.

Serial No.: 09/991,270

Filed: November 9, 2001

Confirmation No.: 4445

Atty. File No.: 41890-00960

For: "NICKEL POWDERS, METHODS  
FOR PRODUCING POWDERS AND  
DEVICES FABRICATED FROM  
SAME"

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Attn: LICENSING & REVIEW

Dear Sir:

In response to the correspondence from Licensing and Review mailed July 26, 2002 (copy attached), enclosed please find 3 Statements of Non-Interest of DOE pursuant to 42 U.S.C. 2182, which have been executed by 3 of the 6 inventors (Kodas, Hampden-Smith and Caruso). A Statement of Non-Interest of DOE has been sent to the remaining 3 inventors (Chandler, Powell and Skamser) at their last known address by first class mail, but to date no response has been received.

If the Patent Office has any questions, please call the undersigned attorney at (303) 338-0997.

) Group Art Unit: 1773

) Examiner:

) SUBMISSION OF STATEMENT OF  
) NON-INTEREST OF DOE  
) (42 U.S.C. 2182)

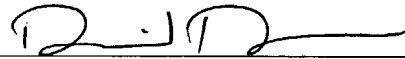
CERTIFICATE OF MAILING	
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 ON 09/09/02	
MARSH FISCHMANN & BREYFOGLE LLP	
BY:	<i>[Signature]</i>

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SEP 19 2002  
LICENSING & REVIEW

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Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

David F. Dockery, Esq.  
Registration No. 34,323  
3151 South Vaughn Way, Suite 411  
Aurora, Colorado 80014  
(303) 338-0997

Date: September 9, 2002

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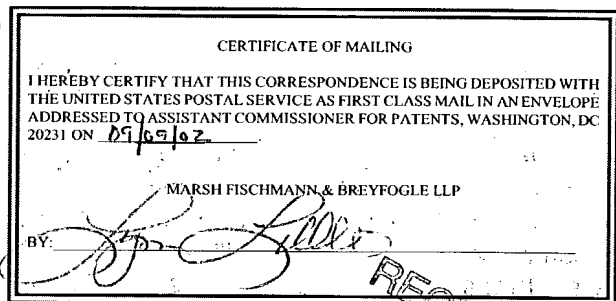
) Group Art Unit: 1773

) Examiner:

) STATEMENT OF NON-INTEREST

) OF DOE

) (42 U.S.C. 2182)



Assistant Commissioner for Patents  
Washington, D.C. 20231  
Attention: LICENSING AND REVIEW

Dear Sir:

In response to the request for a statement under 42 U.S.C. 2182, having a mailing date of July 26, 2002, the undersigned declare as follows:

We, Toivo T. Kodas, a United States citizen residing at 11102 San Rafael Drive NE, Albuquerque, New Mexico 87122; Mark J. Hampden-Smith, a U.K. citizen residing at 2901 Maximillian NW, Albuquerque, New Mexico 87131; James Caruso, a United States citizen residing at 7721 Cedar Canyon Court NE, Albuquerque, New Mexico 87122; Quint H. Powell, a United States citizen residing at 14336 Grand Avenue NE, Albuquerque, New Mexico 87123; Clive D. Chandler, an Australian citizen residing at 2933 NE 14<sup>th</sup> Avenue, Portland, Oregon 97212; and Daniel J. Skamser, a United States citizen residing at 303 Snap Creek Court, Simpsonville, SC 29681, declare:

That we made and conceived the invention described and claimed in divisional Patent Application Serial No. 09/991,270 filed in the United States of America on November 9, 2001,

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entitled "NICKEL POWDERS, METHODS FOR PRODUCING POWDERS AND DEVICES FABRICATED FROM SAME";

That we made and conceived this invention while employed by Nanochem Research, Inc. a New Mexico corporation and the predecessor in interest to Superior MicroPowders LLC, a New Mexico corporation, having a principal place of business at 3740 Hawkins NE, Albuquerque, New Mexico 87109;

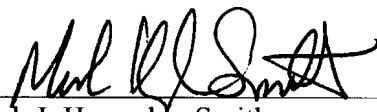
That the invention is related to work that we are employed to perform and was made within the scope of our employment duties;

That the invention was made during working hours and with the use of facilities, equipment, materials, information and services of said Nanochem Research, Inc.;

That to the best of our knowledge and belief, the invention was not made, conceived or first actually reduced to practice under, nor is there any relationship of the invention to the performance of any work under any contract of the Department of Energy.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 8-22-02

By:   
Mark J. Hampden-Smith  
2901 Maximillian NW  
Albuquerque, New Mexico 87131

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<p>CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 ON <u>09/09/02</u>.</p> <p>MARSH FISCHMANN &amp; BREYFOGLE LLP</p> <p>BY: <u>[Signature]</u></p>
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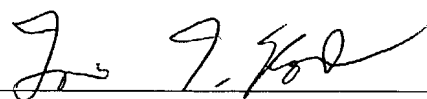
That the invention is related to work that we are employed to perform and was made within the scope of our employment duties;

That the invention was made during working hours and with the use of facilities, equipment, materials, information and services of said Nanochem Research, Inc.;

That to the best of our knowledge and belief, the invention was not made, conceived or first actually reduced to practice under, nor is there any relationship of the invention to the performance of any work under any contract of the Department of Energy.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: August 22, 2002

By:   
Toivo T. Kodas  
11102 San Rafael Drive NE  
Albuquerque, New Mexico 87122

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KODAS et al.

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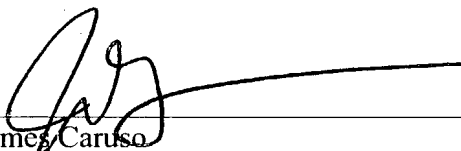
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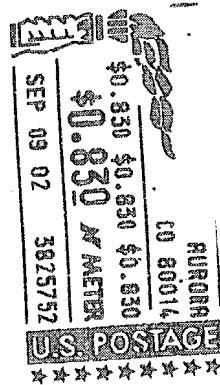
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Date: 8/22/02

By:   
James Caruso  
7721 Cedar Canyon Court NE  
Albuquerque, New Mexico 87122





MARSH FISCHMANN & BREYFOGLE LLP  
Attorneys at Law

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USPTO MAIL CENTER

3151 South Vaughn Way, Suite 411  
Aurora, Colorado 80014

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